

Appln. No. 10/810,172
Reply to Office Action of April 14, 2005

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REMARKS

Applicant wishes to thank Examiner McCarry for granting a telephone interview regarding this application on September 12, 2006.

A Petition for Extension of Time Under 37 C.F.R. 1.136(a) for a two-month extension of time is submitted herewith, thereby extending the period for response from July 14, 2006 to September 14, 2006, whereby this response is considered to be timely filed. Reconsideration of this application is hereby respectfully requested.

In applicant's amendment dated August 24, 2005, claims 1-11 were canceled and claims 12-19 were added. In applicant's amendment dated February 8, 2006, claims 12-19 were amended and claims 20-30 were newly added. By this amendment, claims 12-25 are cancelled, claims 26 and 29 are amended, and claim 31 is newly added, leaving claims 26-31 pending in the present application. No new matter has been added.

Claims 12-30 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rader (US 5,063,859) in view of Maley (US 3,822,493) and in further view of Romca et al. (US 6,578,795). More specifically, it is alleged that Rader discloses the railcar as claimed, but does not disclose the use of identifying means on the railcar. To overcome this deficiency of Rader, the Examiner further alleges that it is well known in the art that railcars will have signs on the exterior to show the destination of the railcar or a specific car name or number, and that it is well known in the art that railcars will also have identifying means on the interior to show passengers where certain sections of the railcar are, such as blocks of seat numbers, or to show the passengers where the exits are as well as what the next destination of the train is. The Examiner provides Maley as an example of a changeable sign used on a railcar to convey various pieces of information to the passengers. Furthermore, the Examiner alleges that it would have been obvious to one of ordinary skill in the art to have applied seat identification signs as described by Romca et al. to a vehicle like that of Rader. This rejection is hereinafter traversed, and reconsideration is respectfully requested for the following reasons.

The railroad car of applicant's amended claim 26 includes a single door at each end of the box body for providing access between the second story of the railroad car and at least one other adjacent railroad car, and wherein the first story of the box body

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is positioned between bogies, thereby preventing access between the first story of the train car and the at least one adjacent railroad car. As noted in Applicant's as-filed specification, this arrangement suffers from a "dead-end effect" at the first (lower) story of the car, which creates opposing flows of passengers trying to locate their reserved seats and, as a result, makes access to reserved seats tedious and time consuming.

To overcome this deficiency, applicant's claimed invention provides a means for enabling passengers to locate and to gain access to reserved ones of said seats while preventing opposing flows of said passengers. As recited in claim 26, this means comprises, among other things: at least one side door provided in the box body intermediate the first end and the second end of the box body operable for providing passengers with access to the first landing; an exterior means for identifying the railroad car, the exterior means being positioned on the railroad car proximate the at least one side door so as to enable a passenger to readily determine an identity of the railroad car by reference to the exterior means; and a first interior means for identifying the seats that are arranged in each of the first and second compartments of the first story and in each of the first and second compartments of the second story. The first interior means includes: a first portion positioned proximate the first landing so as to enable a passenger entering said railroad car through the side door to readily determine by reference to the first portion which of the first and second compartments on the first story and the first and second compartments on the second story includes a particular one of the seats, and a second portion positioned proximate the second landing so as to enable a passenger entering the second landing via the single staircase to readily determine by reference to the second portion which of the first and second compartments on the second story includes a particular one of the seats.

Rader, on the other hand, is directed to a railroad car in which the lower level is "positioned *above* a flat center sill extending along the length of the car and supported above the axles of the wheels at either end of the car." (emphasis added) Rader teaches that positioning the lower level above the axles allows a doorway to be provided on *both* the upper and lower levels of the car. As recited in Rader: "Having a doorway at each level permits a freer flow of passenger and railroad service personnel traffic between railroad cars." (See, Abstract) Thus, Rader addresses the problem of passenger flow in the railroad car in an entirely different way than in

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applicant's claimed invention. That is, Rader modifies the arrangement of the railroad car to provide a freer flow of passengers. Indeed, Rader *teaches away* from a railroad car having a lower level located between the bogies, as in applicant's amended claim 26, because this allows only for a single door to be provided at each end of the car, which restricts passenger movement between cars. (See, Background of Rader) Thus, one skilled in the art would not be motivated to combine Rader, Maley, and Romca et al. to arrive at applicant's claimed invention, but would instead modify the arrangement of the railroad car as taught by Rader. For at least this reason, applicant's amended claim 26 and dependent claims 27-31 are allowable over the combination of Rader, Maley, and Romca et al.

Furthermore, even if Rader, Maley, and Romca et al. were combined, this combination fails to teach or suggest each and every limitation of applicant's claimed invention. For example, neither Rader, Maley, nor Romca et al., alone or in combination, teach or suggest a first interior means including a first portion and a second portion, where the first portion is positioned proximate the first landing so as to enable a passenger entering the railroad car through the side door to readily determine by reference to the first portion which of the first and second compartments on the first story and the first and second compartments on the second story includes a particular one of the seats, and where the second portion positioned proximate the second landing so as to enable a passenger entering the second landing via the single staircase to readily determine by reference to the second portion which of said first and second compartments on the second story includes a particular one of the seats. Indeed, neither Rader, Maley, nor Romca teach or suggest the placement of such means, and Rader teaches a railroad car having only one seating compartment on the lower level and multiple sets of stairs. Accordingly, for at least this additional reason applicant's amended claim 26 and dependent claims 27-31 are allowable over the combination of Rader, Maley, and Romca et al.

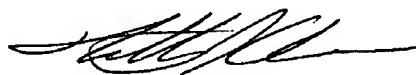
Applicant submits that claims 26-31 patentably define over the prior art of record and are allowable. Accordingly, the present application is in condition for allowance and early action toward that end is respectfully requested.

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It is believed that the foregoing remarks are fully responsive to the Office Action. If the Examiner has any questions or believes that a discussion with applicant's attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number listed below.

The Examiner is hereby authorized to apply any credits or charge any deficiencies related to this Amendment and two-month extension of time to Deposit Account No. 03-2578.

Respectfully submitted,



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